

JAN 11 2006

PATENT

Docket No. 294.00170101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Marc S. GORANS et al.) Group Art Unit: 3643
 Serial No.: 10/702,369)
 Confirmation No.: 8480)
 Examiner: Andrea M. Valenti)
 Filed: 6 November 2003)
 For: BEAK TREATMENT WITH TONGUE PROTECTION)

RESPONSE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Office Action mailed 12 August 2005 has been received and reviewed. Claims 1-18 remain pending. Reconsideration and withdrawal of the rejections are respectfully requested.

Obviousness-Type Double Patenting Rejection

Claims 1-5 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-29 of copending Application No. 10/346,981 and claims 1-29 of U.S. Patent No. 5,651,731. Upon an indication of otherwise allowable subject matter and in the event this rejection is maintained, Applicants will provide an appropriate response (although it should be noted that Applicants reserve the right to traverse the rejection and any assertions made in support of it).

The 35 U.S.C. §103 Rejection

Claims 1-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Gorans et al.* (U.S. Patent No. 5,651,731) in view of *Gourlandt* (U.S. Patent No. 4,446,819). This rejection and the assertions made in support thereof are respectfully traversed.